IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Crl.MC.No. 2213 of 2004

CC.2136/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOLLAM

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PETITIONER/THIRD ACCUSED:

ABDUL RASHEED, VALIYAVILAKATH VEEDU,
MANGALAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS/STATE, DEFACTO COMPLAINANT AND ACCUSED 1 & 2:

1. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. VIJAYAN, VENUS, AYIROOR VILLAGE,
   CHIRAYINKEEZHU TALUK, HARIHARAPURAM,
   VARKALA.

3. NAHAS, NAHAS MANZIL, NELLETTIL P.O.,
   PARAVUR, KOLLAM.

4. NOUSHAD, `PUNCHIRI',
   NELLETTIL P.O., PARAVUR, KOLLAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 2213 of 2004

ORDER

Petitioner is the third accused in C.C.No. 2136/03 on the file of the Judicial First Class Magistrate's Court-II, Kollam. The prayer in this Crl.M.C. is to quash the final report in C.C.No. 2163/03 aforesaid. The second respondent is the complainant in Annexure A1 complaint, on the basis of which was the crime registered, which culminated in Annexure A3 final report, which is taken to file as C.C.No.2136/03 aforesaid. Respondents 3 and 4 are Accused Nos.1 and 2 in the case, against whom, offences under Sections 406 and 420 IPC read with Section 34 thereof and under Section 120(b) IPC are alleged.

2. The petitioner is the purchaser of the bus from the first accused. The allegation is that the said sale was in violation of Annexure A2 agreement executed between the complainant and the second accused. The second respondent is reported to be

in Nigeria and respondents 3 and 4 are reported to be in gulf. In the circumstances, there is no meaning in retaining this Crl.M.C. on file, directing the petitioner to repeat notice on the respondents.

In the result, without prejudice to the petitioner approaching this Court again, if at all respondents 2 to 4 appear in the court below and trial proceeds, to seek for appropriate reliefs, this Crl.M.C. is dismissed.

9th August, 2007 (K.P.Balachandran, Judge)

tkv